

January 9, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

700 Central Building
810 Third Avenue
Seattle, Washington 98104
Tel. (206) 296-4660
Fax (206) 296-1654

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Public Works File No. V-2185
Proposed Ordinance No. 96-23

MARGARET WILLSON
Road Vacation Application

Proposal: Vacation of portions of 99th Avenue Southwest

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve
Division's Final:	Approve
Examiner:	Approve

DIVISION'S REPORT:

The Roads and Engineering Division's written report to the King County Hearing Examiner for Item No. V-2185 was received by the Examiner on December 20, 1995.

PUBLIC HEARING:

In conjunction with reviewing the Roads and Engineering Division's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2185 was opened by the Examiner at 9:17 a.m., January 3, 1996, in Room No. 215, King County Administration Building, 500 Fourth Avenue, Seattle, Washington, and adjourned at 9:30 a.m. The hearing was continued for administrative purposes until January 9, 1996 pending receipt of the Affidavit of Publication. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

- General Information:

Road name and location:	Portions of 99th Avenue Southwest located on Vashon Island
Right of way classification:	"B"
Area:	122 square feet
Compensation:	\$262.61
- Except as modified herein, the facts set forth in the Roads and Engineering Division's report to the King County Hearing Examiner for the January 3, 1996, public hearing and the statement of facts contained in Proposed Ordinance No. 96-23, September 28, 1995 draft, are found to be correct and are incorporated herein by reference. Copies of the Division's report will be attached hereto for submittal to the King County Council.

3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Roads and Engineering Division was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in a form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 96-23 to vacate the subject road.

ORDERED this 9th day of January, 1996.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 9th day of January, 1996, to the following parties and interested persons:

Margaret Willson
P.O. Box 2293
Vashon, WA 98070

Tom Davis, Puget Sound Power and Light
Larry R. Underdahl, METRO
Jason Van Nort, Washington Natural Gas
Fire District #13, Vashon, WA
Pacific Telecommunications, Gig Harbor, WA
Vashon Parks District, Vashon, WA
Pat Britz, Vashon Community Council, Vashon, WA
Tommy Burdette, Dennis Gorley, Bill Hoffman, Jesse Krail, Rod Matsuno, Lloyd Neal, Lydia Reynolds, Gary Samek, and Paul Tanaka/Department of Public Works
Sharon Claussen, Parks Division
Clerk of the Council
Tom Eksten, Office of Open Space
Lisa Pringle, Department of Development and Environmental Services
Charlie Sundberg, Historical Preservation
Caroline Thompson, Property Services

NOTICE OF
RIGHT TO APPEAL AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before January 23, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before January 30, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does

not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE JANUARY 3, 1996, PUBLIC HEARING ON ROADS AND ENGINEERING DIVISION
FILE NO. V-2185, MARGARET WILLSON PETITION FOR ROAD VACATION:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Dennis Gorley, Department of Public Works, and Margaret Willson.

On January 3, 1996, the following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Petition transmittal letter dated October 4, 1994 to Department of Public Works from Clerk of Council
Exhibit No. 2	Petition for vacation
Exhibit No. 3	Letter, dated October 1, 1994, from Margaret Willson
Exhibit No. 4	Copy of deposit check from petitioner (Willson)
Exhibit No. 5	Vicinity map
Exhibit No. 6	Map depicting vacation area
Exhibit No. 7	Puget Power response received November 8, 1994
Exhibit No. 8	Washington Natural Gas response dated October 27, 1994
Exhibit No. 9	Pacific Telecommunications response dated October 20, 1994
Exhibit No. 10	METRO response received February 17, 1995
Exhibit No. 11	King County Department of Development and Environmental Services letter, dated November 9, 1994
Exhibit No. 12	King County Property Services response received October 14, 1994
Exhibit No. 13	King County Traffic and Planning Section letter dated February 2, 1995
Exhibit No. 14	King County Transportation Planning letter dated October 31, 1994
Exhibit No. 15	King County Road Maintenance Section response dated November 7, 1994
Exhibit No. 16	King County Parks response dated October 14, 1994
Exhibit No. 17	King County Office of Open Space response dated October 17, 1994
Exhibit No. 18	Historical Preservations response dated October 25, 1994
Exhibit No. 19	King County Fire District #13 response dated October 17, 1994
Exhibit No. 20	Vashon Parks response dated October 24, 1994
Exhibit No. 21	Vashon Maury Island Community Council approval, dated November 21, 1994
Exhibit No. 22	Letter from petitioner dated February 14, 1995
Exhibit No. 23	Letter dated August 23, 1995 from the Department of Public Works, Division of Roads and Engineering, to the Clerk of King County Council
Exhibit No. 24	Letter dated October 19, 1995 to petitioner, from Roads Division, identifying amount of compensation
Exhibit No. 25	Road Vacation worksheet V-2185.XLS dated January 5, 1995
Exhibit No. 26	Copy of compensation check from Willson: \$262.61
Exhibit No. 27	Letter dated December 1, 1995 from King County Executive, to Councilmember Kent Pullen
Exhibit No. 28	Proposed Ordinance (96-23) dated September 28, 1995
Exhibit No. 29	Affidavit of posting dated December 7, 1995
Exhibit No. 30	King County Department of Public Works NOTICE OF HEARING dated December 6, 1995
Exhibit No. 31	Photograph, dated December 6, 1995, showing petitioner's property and posted hearing notice

On January 9, 1996, the following exhibit was entered into the hearing record:

Exhibit No. 32	Affidavit of Publication
----------------	--------------------------